IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 882/2006

SABIR Vs. SMT GAFURAN & ANR.

DATE: 13.04.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. A.K. Gupta for the petitioner.
Mr. N.A. Naqvi for the respondents.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the petitioner against the judgment dated 04.07.2006 passed by the Munsif Magistrate First Class, Nadbai, District Bharatpur in Criminal Misc. Case No. 70/2003 allowing the application of the respondents moved under Section 125 Cr.P.C. and granting maintenance @ Rs. 2,000/- per month to respondent No.1 Smt. Gafuran and Rs. 500/- per month to respondent No.2 Rashid from the date of filing of the application.

Having heard rival submissions of the respective parties, I find no illegality or error apparent on the face of the record.

However, learned counsel for the petitioner submits that the maintenance which has been granted to the respondents from the date of filing of the application may be made effective from the date of passing of the judgment.

Having considered the submissions made by the learned counsel for the petitioner and looking to the facts and circumstances of the case, in the interest of justice, I deem it proper to modify the impugned judgment dated 04.07.2006 passed by the Judicial Magistrate First Class, Nadbai, District Bharatpur to the extent that the maintenance granted by the Court below shall be payable from the date of passing of the judgment i.e. 04.07.2006 and not from the date of filing of the application.

With this modification in the impugned judgment dated 04.07.2006, the revision petition stands disposed of.

The stay application stands rejected.

(K.S. RATHORE),J.

/KKC/